



U.S. Department of Justice

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Eastern District of New York*

LDM:BGK:NEP
F.# 2019V02754

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November 5, 2020

By ECF

United States Magistrate Judge Roanne L. Mann
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. The Real Property and Premises Known as
Deed No. 18,877 et al. - Docket No. 19-CV-05748 (ENV)(RLM)

Dear Judge Mann:

Pursuant to the Court's October 28, 2020 Order, the United States respectfully submits this status report regarding the above-captioned matter.

I. Background

As set forth in the forfeiture complaint, the Caro Quintero Drug Trafficking Organization (the "Caro Quintero DTO") was a major marijuana, methamphetamine and cocaine trafficking organization based in or around Guadalajara, Mexico. Rafael Caro Quintero, also known as "RCQ," was a principal leader of the Caro Quintero DTO.

Rafael Caro Quintero used proceeds from the sale of illegal narcotics to purchase the Defendant Properties located in Mexico which the government seeks to forfeit in this action. Rafael Caro Quintero is a fugitive from justice in the United States, who faces, among other actions, charges stemming from a July 2018 superseding indictment returned by a federal grand jury sitting in the Eastern District of New York, United States v. Rafael Caro Quintero, et al., Docket Number 15-CR-208. This indictment charged Rafael Caro Quintero with being the leader of a Continuing Criminal Enterprise and encompasses charges that related to his drug trafficking activity and role in conspiring to murder Enrique Camarena, a Special Agent with the Drug Enforcement Administration ("DEA") who was kidnapped, tortured and murdered in Mexico in 1985.

II. The Verified Complaint

On October 11, 2019, the United States commenced this action by filing the Verified Complaint, which seeks forfeiture of the Defendant Properties, pursuant to 18 U.S.C. § 981(a)(1)(C) and 21 U.S.C. § 881(a)(6). At that time, the Court found that there was probable cause to believe that the Defendant Properties were subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 21 U.S.C. § 881(a)(6), and that grounds for issuance of a finding of probable cause existed pursuant to Supplemental Rule G(3) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (the “Supplemental Rules”). Further, the Court directed that the United States provide notice of this action to all persons known or thought to have an interest in the Defendant Properties, pursuant to 18 U.S.C. § 985 and Supplemental Rule G(4)(b), and publish notice of the forfeiture action in accordance on the official government website www.forfeiture.gov, pursuant to Supplemental Rule G(4)(a).

Pursuant to the Court’s October 11, 2019 Order, notice of forfeiture was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on October 24, 2019 and ending on November 22, 2019, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules. A Declaration of Publication was filed with the Court on November 25, 2019. See Dkt. #4. In addition, other than Rafael Caro Quintero, all persons with a known interest in the Defendant Properties received notice of the forfeiture action in Mexico on about October 24, 2019. Further, an attorney in the United States that represents these same individuals also requested and received a copy of the notice of forfeiture action. With respect to Rafael Caro Quintero, a fugitive, the notice of the forfeiture action was sent to his mother’s address in Mexico on two separate occasions in January 2020.¹ A person at that address, “N. Nicolas Ruiz,” signed for the notice on each occasion.

On or about October 23, 2019, the United States formally requested assistance from Mexico in the forfeiture of the Defendant Properties pursuant to the Mutual Legal Assistance Treaty (“MLAT”) between our countries. The MLAT request asked Mexico, in part, to restrain the Defendant Properties and to give timely notice of the forfeiture proceeding to any person who reasonably appeared to have an interest or claim to the Defendant Properties. The authorities in Mexico were asked to post on the Defendant Properties copies of the Verified Complaint and notice of the action, as required by 18 U.S.C. § 985. The United States is working through diplomatic channels to accomplish this, but progress has been slowed by the COVID-19 Pandemic.

¹ On or about January 22, 2020, the United States sent a notice of forfeiture action to Rafael Caro Quintero’s mother’s address. That notice incorrectly stated the deadline to file a claim. As a result, on or about January 31, 2020, a revised notice was sent to this same address with a corrected deadline to file a claim.

III. Conclusion

Based upon the status provided above, the United States, if amenable to Your Honor, will provide within 90 days, a further update to the Court with respect of the progress of the MLAT request to Mexico.

Respectfully submitted,

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